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10 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA, ) No. CR 05-00651 CW  
13 Plaintiff, ) ORDER GRANTING STIPULATION FOR  
14 v. ) PROTECTIVE ORDER RE: DISCOVERY  
15 TIFFANY TAYLOR, CHRISTOPHER ) OF PERSONAL AND FINANCIAL  
16 JOHNSON, JOHN MORGAN, KIM ) INFORMATION  
17 DRAGO, and MICHAEL DOWNEY, )  
18 Defendants. ) OAKLAND VENUE

19 With the agreement of the parties, and with the consent of the defendant, the Court enters  
20 the following order:

21 Defendant Christopher Johnson is charged with one count of conspiracy, in violation of  
22 18 U.S.C. §371; one count of aggravated identity theft, in violation of 18 U.S.C. §1028A; and  
23 one count of access device fraud, in violation of 18 U.S.C. §1029. Upon request, the United  
24 States will produce to counsel for the defendant discovery that contains personal identifying  
25 information, including social security numbers, birth dates and driver's license numbers, and  
26 private financial information, including account numbers and locations, pertaining to the victims  
27 in this case. Pursuant to Federal Rule of Criminal Procedure 16, the government requests that  
28 disclosure of these materials be subject to the following restrictions:

PROTECTIVE ORDER  
[CR 05-00651 CW]

1       1. Except when being actively examined for the purpose of the preparation of the  
2 defense of defendant Christopher Johnson, the documents containing personal identifying and  
3 private financial information of third parties produced by the government to defense counsel  
4 shall be maintained in a locked, safe, and secure drawer, cabinet, or safe which is accessible only  
5 to defense counsel, members of his or her law firm who are working with him or her to prepare  
6 the defendant's defense, and his or her investigator. Defense counsel, members of his or her law  
7 firm, the defendant, and the investigator shall not permit any person access of any kind to the  
8 documents or disclose in any manner the personal identifying and private financial information  
9 of third parties except as set forth below.

10      2. The following individuals may examine the documents and information related to  
11 the personal identifying and private financial information of third parties for the sole purpose of  
12 preparing the defense of defendant Christopher Johnson and for no other purpose:

- 13           a) Counsel for defendant;
- 14           b) Members of the counsel for the defendant's law office who are assisting  
15                 with the preparation of Christopher Johnson's defense;
- 16           c) Defendant Christopher Johnson, but only in the presence of defense  
17                 counsel or another authorized person listed in this paragraph;
- 18           d) Investigators retained by the defendant to assist in the defense of this  
19                 matter.

20 If defense counsel determines that additional persons are needed to review the material, he or she  
21 must obtain a further order of the Court before allowing any other individual to review the  
22 material.

23      3. A copy of this order shall be maintained with the documents at all times.

24      4. All individuals other than defense counsel and the defendant who receive access  
25 to the materials pursuant to this Order, prior to receiving access to the materials, shall sign a  
26 copy of this Order acknowledging that

- 27           a) they have reviewed the Order;
- 28           b) they understand its contents;

- 1                   c) they agree that they will only access the documents and information for
- 2                   the purposes of preparing a defense for defendant Christopher Johnson;
- 3                   d) they understand that failure to abide by this Order may result in sanctions
- 4                   by this Court.

5                   Counsel for the defendant shall promptly file signed copies of the Order, ex parte and under seal.  
6                   The government shall have no access to these signed copies without further order of the District  
7                   Court.

8                 5. No other person may be allowed to examine the material without further court  
9                   order. Examination of the documents shall be done in a secure environment which will not  
10                  expose the materials to other individuals not listed above.

11                6. Documents such as word processing files, e-mails, and other text files may be  
12                  duplicated to the extent necessary to prepare the defense of this matter.

13                7. Any pleadings that reveal the personal identifying or private financial information  
14                  of third parties, either by attaching copies of documents containing that information or  
15                  referencing that information, shall be redacted to prevent the disclosure of such information or  
16                  filed under seal.

17                8. Within five court days of the judgement and sentencing hearing in this matter, all  
18                  material provided to defense counsel pursuant to this Order, and all other authorized copies, if  
19                  any, shall be returned to the Government. The Government shall destroy them. If defendant  
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1 believes that he must maintain the material for any reason related to appeal, defendant must seek  
2 authorization from the District Court within five days of the sentencing and judgement in this  
3 matter.

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5 STIPULATED:

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7 DATED: \_\_\_\_\_

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Attorney for Defendant Johnson

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10 DATED: \_\_\_\_\_

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KIRSTIN M. AULT  
Assistant United States Attorney

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13 IT IS SO ORDERED that disclosure of the above-described discovery materials shall be  
14 restricted as set forth above.

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16 DATED: 11/9/05

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*Claudia Wilken*

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CLAUDIA WILKEN  
United States District Judge

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